

MHN

RECEIVED

OCT 30, 2009
OCT 30 2009UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONMICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTTE F. AVALON

(Name of the plaintiff or plaintiffs)

v.

COMBINED INSURANCE Co.AON CORPORATION

(Name of the defendant or defendants)

09CV6847

JUDGE ANDERSEN

MAG. JUDGE COLE

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is TE F AVALON of the county ofONONDAGA in the state of NEW YORK.3. The defendant is COMBINED INS Co - AON CORP, whose street address is 5050 BROADWAY(city) CHICAGO (county) _____ (state) ILLINOIS (ZIP) 60640(Defendant's telephone number) 800-225-4500 COMBINED - 312-381-1000 AON

II The plaintiff sought employment or was employed by the defendant at (street address)

EBC- 2701 N. ROCKY POINT DR. SUITE 220 (city) TAMPA(county) _____ (state) FL (ZIP code) 33607

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) JAN, (day) 25 (year) 2008

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

☐ has not ☒ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) SEPT (day) 22 (year) 2008.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

(b) If charges were filed with an agency indicated above, a copy of the charge is tached. ☒ YES. ☐ NO,

but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) _____ (day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) JULY (day) 31 (year) 2008 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☒ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
 - (b) ☒ terminated the plaintiff's employment.
 - (c) ☒ failed to promote the plaintiff.
 - (d) ☐ failed to reasonably accommodate the plaintiff's religion.
 - (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
 - (f) ☐ failed to stop harassment;
 - (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
 - (h) ☐ other (specify): _____
- _____
- _____
- _____
- _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

TAX FORMS, WKLY REPORTS SHOW EXTENSIVE TRAVEL, MILES, PLANES,
+ COST. REQ MEETINGS + CALLS. TOLD LOSE JOB IF NOT
FULFILLED. PD \$200 DAY - NOW DID MY INCOME END UP
\$155,000.00 ON 1099's. ALSO CALENDERS MISC MONTHS
TO SHOW NOW NECTIC SCHED WAS. DISCRIMINATION IS
ONLY PROVEN BY 11 RCMS WENT TO 3 ALL OF SOMEHOW
JEWISH PERSNASION - ALSO REMAINING MGR - JEWISH

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☐ NO ?

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
(b) ☐ Direct the defendant to re-employ the plaintiff.
(c) ☐ Direct the defendant to promote the plaintiff.
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
(f) ☒ Direct the defendant to (specify): PAY ACCORDINGLY AS AN
EMPLOYEE + ADDIDNAL COMPENSATION FOR MENTAL
ANQUISH. INCLUDING OVERTIME AS WE WORKED
60-80 HRS WKLY IN THIS POSITION AS WELL AS
TAX RAMIFICATIONS
(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
(h) ☒ Grant such other relief as the Court may find appropriate.

Te F. Avalon

Plaintiff's signature

TE F. AVALON

Plaintiff's name

EMPLOYEE BENEFIT COMMUNICATIONS, INC.
P.O. BOX 8264
CHICAGO IL 60680



TEANNA F AVALON
75 WEST GENESSEE STREET
BALDWINVILLE NY 13027-1143

CONTACT 888-870-8805


☐ CORRECTED (if checked)

PAYER'S name, street address, city, state, ZIP code, and telephone no. EMPLOYEE BENEFIT COMMUNICATIONS, INC. P.O. BOX 8264 CHICAGO, IL 60680		1 Rents	OMB No. 1545-0115		2007 Miscellaneous Income
		2 Royalties	Form 1099-MISC		
PAYER'S federal identification number 59-3215889	RECIPIENT'S identification number 181-48-2329	3 Other income	4 Federal income tax withheld	Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.	
RECIPIENT'S name, street address, city, state, and ZIP code TEANNA F AVALON 75 WEST GENESSEE STREET BALDWINVILLE, NY 13027		5 Fishing boat proceeds	5 Medical and health care payments		
		7 Nonemployee compensation \$84,413.82	8 Substitute payments in lieu of dividends or interest		
		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds		
		11	12		
Account number (see instructions) SHARE0005612368		13 Excess golden parachute payments	14 Gross proceeds paid to an attorney		
15a Section 409A deferrals	15b Section 409A income	16 State tax withheld	17 State/Payer's state no. NY/	18 State income	

Form 1099-MISC

(keep for your records)

Department of the Treasury - Internal Revenue Service

1099-Misc Instructions for Recipients

Account number. May show an account or other unique number the payer assigned to distinguish your account.

Amounts shown may be subject to self-employment (SE) tax. If your net income from self-employment is \$400 or more, you must file a return and compute your SE tax on Schedule SE (Form 1040). See Pub. 334, Tax Guide for Small Business, for more information. If no income or social security and Medicare taxes were withheld and you are still receiving these payments, see Form 1040-ES, Estimated Tax for Individuals. Individuals must report as explained for box 7 below. Corporations, fiduciaries, or partnerships report the amounts on the proper line of your tax return.

Boxes 1 and 2. Report rents from real estate on Schedule E (Form 1040). If you provided significant services to the tenant, sold real estate as a business, or rented personal property as a business, report on Schedule C or C-EZ (Form 1040). For royalties on timber, coal, and iron ore, see Pub. 544, Sales and Other Dispositions of Assets.

Box 3. Generally, report this amount on the "Other income" line of Form 1040 and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, payments made by employers to former employees who are serving in the Armed Forces or the National Guard, or other taxable income. See Pub. 525, Taxable and Nontaxable Income. If it is trade or business income, report this amount on Schedule C, C-EZ, or F (Form 1040).

Box 4. Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold at a 28% rate if you did not furnish your taxpayer identification number. See Form W-9, Request for Taxpayer Identification Number and Certification, for more information. Report this amount on your income tax return as tax withheld.

Box 5. An amount in this box means the fishing boat operator considers you self-employed. Report this amount on Schedule C or C-EZ (Form 1040). See Pub. 334.

Box 6. For individuals, report on Schedule C or C-EZ (Form 1040).

Box 7. Shows nonemployee compensation. If you are in the trade or business of catching

fish, box 7 may show cash you received for the sale of fish. If payments in this box are SE income, report this amount on Schedule C, C-EZ, or F (Form 1040); and complete Schedule SE (Form 1040). You received this form instead of Form W-2 because the payer did not consider you an employee and did not withhold income tax or social security and Medicare taxes. Contact the payer if you believe this form is incorrect or has been issued in error. If you believe you are an employee, call the IRS for information on how to report any social security and Medicare taxes or see Form 8919, Uncollected Social Security and Medicare Taxes on Wages.

Box 8. Shows substitute payments in lieu of dividends or tax-exempt interest received by your broker on your behalf as a result of a loan of your securities. Report on the "Other income" line of Form 1040.

Box 9. If checked, \$5,000 or more of sales of consumer products was paid to you on a buy-sell, deposit-commission, or other basis. A dollar amount does not have to be shown. Generally, report any income from your sale of these products on Schedule C or C-EZ (Form 1040).

Box 10. Report this amount on line 8 of Schedule F (Form 1040).

Box 13. Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See the Form 1040 instructions for where to report.

Box 14. Shows gross proceeds paid to an attorney in connection with legal services. Report only the taxable part as income on your return.

Box 15a. Shows current year deferrals as a nonemployee under a nonqualified deferred compensation (NQDC) plan that is subject to the requirements of section 409A. Any earnings on current and prior year deferrals are also reported.

Box 15b. Shows income as a nonemployee under an NQDC plan that does not meet the requirements of section 409A. This amount is also included in box 7 as nonemployee compensation. Any amount included in box 15a that is currently taxable is also included in this box. This income is also subject to a substantial additional tax to be reported on Form 1040. See "Total Tax" in the Form 1040 instructions.

Boxes 16-18. Shows state or local income tax withheld from the payments.

Page 1 of 1



TEANNA F AVALON
75 WEST GENESSEE STREET
BALDWINVILLE NY 13027-1143

CONTACT 888-870-8805



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		2 Royalties			
PAYER'S federal identification number 36-2136262	RECIPIENT'S identification number 181-48-2329	3 Other income	4 Federal income tax withheld	Copy B For Recipient This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.	
RECIPIENT'S name, street address, city, state, and ZIP code TEANNA F AVALON 75 WEST GENESSEE STREET BALDWINVILLE, NY 13027		5 Fishing boat proceeds	6 Medical and health care payments		
		7 Nonemployee compensation \$1,016.75	8 Substitute payments in lieu of dividends or interest		
		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds		
		11	12		
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Box 10. Report this amount on line 8 of Schedule F (Form 1040).

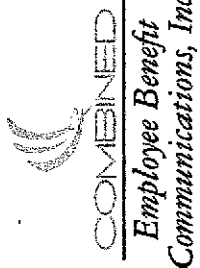
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Boxes 16-18. Shows state or local income tax withheld from the payments.




Activity Calendar

Tea Avalon

Week of	Day	Detail of Activities:	With Whom	Where
10/19/2006	Monday	BISHOP COMMONS/ ONSITE	G. GREAPENTROG/LVAZQUEZ	OSWEGO
	Tuesday	ST LUKES/ MEETING - HANCOCK & ESTABROOK/MEETING	C. GILL/LEAH GOODMAN	OSWEGO/SYRACUSE
	Wednesday	HANCOCK & ESTABROOK/ST LUKE	M. COOKE/S. PACILLEO	BVILLE
	Thursday	HANCOCK & ESTABROOK/ST LUKE	M. COOKE/S. PACILLEO	SYRACUSE
	Friday	FOLLOW UP / OFFICE / ST. LUKE/ASBURY/ANDRITZ	PACILLEO/PELLOW	BVILLE
10/16/2006	Monday	TRAVEL TAMPA/ FINISH MID-HUDSON SCD	EBC/ LORI PORSKI	TAMPA
	Tuesday	MEETING WITH J. PAUL	EBC	TAMPA
	Wednesday	RCM MTG	EBC	TAMPA
	Thursday	RCM MTG	EBC	TAMPA
	Friday	CHECK UP ON ADRITZ/ MID HUDSON CREDIT UNION	S. PELLOW	GLENS FALLS/KINGSTON
10/23/2006	Monday	POST ENROLLMENT MTG / ST LUKE	S. PACILLEO	OSWEGO
	Tuesday	OFF GO OVER ALL CASES	S. PELLOW	KINGSTON
	Wednesday	COMP UPDATING ALL INFO/ ORDERING COM & SUPPLIES	NEVOLA/COOKE	BVILLE
	Thursday	FOLLOW UP ON OFF/CASE SET UP/ENROLLERS/SUPPLIES	PACILLEO/PELLOW	BVILLE
	Friday	MID HUDSON VALLEY CREDIT UNION SUMMARY	PELLOW	BVILLE
10/30/2006	Monday	EXPENSE RPTS/PA CASES	ENROLLERS/B. GROSS	BVILLE
	Tuesday	ASBURY & REDSTONE	MCLOOTA/GROSS	BVILLE
	Wednesday	PREPING NEW ENROLLERS/FOLLOW THRU OFFICE WORK	N. SANTINI/B. VACARRO	BVILLE
	Thursday	PA CASES & FINISH UP MID HUDSON / TRACKING CASES	B. GROSS/L. VAZQUEZ	BVILLE
	Friday	PAWLING COMPANY SET-UP	L. VAZQUEZ/S. PELLOW	BVILLE

Activity Calendar 1



COMBINED

Employee Benefit Communications, Inc.

Activity Calendar

Tea Avalon

Week of	Day	Detail of Activities:	With Whom	Where
pd 7/10/2006	Monday	n/a		
	Tuesday	RCM TRAINING	STEVE PELLOW	ALBANY, NY
	Wednesday	RCM TRAINING	STEVE PELLOW	ALBANY, NY
	Thursday	OFFICE ORG/ENROLLER SET/UP VALVOLINE	M. COOKE, ENROLLERS	BVILLE, NY
	Friday	STRATEGIC MEETING W/ORPHAN ACCT	M. COOKE	FISHKILL, NY
pd 7/17/2006	Monday	Met w/Ben. Spc. In Albany for eapp training/same in Connecticut	Coutlee's/ M. Engengro	ALBANY, NY
	Tuesday	Field training enroller	M. Engengro	New Haven, Conn
	Wednesday	Valvoline enroller care and problem solving	Coutlee's/ M. Engengro	BVILLE, NY
	Thursday	OFFICE ORG/ENROLLER SET/UP VALVOLINE/problem solving	Coutlee's/ M. Engengro	BVILLE, NY
	Friday	Delivering additional supplies/cleaning up case work/office	Coutlee's and Euforium	Syracuse
pd 7/24/2006	Monday	Valvoline, enroller supplies /invoices, Whicraft	Coutlee, Engengro, Stevenson	BVILLE, NY
	Tuesday	Prepared for St Luke and Sod enrollers, misc Whicraft	S. Pacilleo and D. Stevenso	BVILLE, NY
	Wednesday	Meeting/St Lukes, Weinstein & Holtzman, training enroller on site	Pellow/Pacilleo, L. Vezquez	Oswego/Manhattan
	Thursday	1st day onsite training of enroller/Weinstein & Holtzman	Linda Vezquez	Manhattan, NY
	Friday	AE Meeting	Paul Zoebel	Kingston, NY
pd 7/31/2006	Monday	WHITCRAFT	D. STEVENSON/T. YOUNG	EASTFORD, CT
	Tuesday	WHITCRAFT/MT ST VINCENT	T. YOUNG/L. NEVOLA	WELLESLEY, MASS
	Wednesday	WHITCRAFT/BETE FOG NOZZLE	D. STEVENSON/T. YOUNG	EASTFORD, CT
	Thursday	ST JOSEPH/LIBERTY ARC	S. PACILLEO/S. PELLOW	UTTICA, NY
	Friday	OFF/LIBERTY/BETE FOG NOZZLE/HUDSON HEADWATERS	PELLOW/STEVENSON	BVILLE, NY



Activity Calendar

Week of	Day	Detail of Activities:	With Whom	Where
10/30/2006	Monday	APPR. EXP RPT/ OFF WORK/ORDERING SUPPLIES	ENROLLERS	BVILLE
	Tuesday	PA CASES/ ASBURY & REDSTONE / TRACKING/ MID-HUDSON	LINDA VAZQUEZ/B GROSS	BVILLE
	Wednesday	PA CASES/ ASBURY & REDSTONE UPDATING AE'S INFO	B GROSS/ M COOKE/ S PACI	BVILLE
	Thursday	RPTS/ SCHED PA / FOLLOWING THRU CATH CHAR/PAWLING	B GROSS/ DEBORAH KLEIN	BVILLE
	Friday	PAWLING FOLLOW THRU/ PA ORGANIZING ASBURY/REDSTO	B GROSS/ DEBORAH KLEIN	BVILLE
11/6/2006	Monday	OFFICE ASBURY/ PAWLING	B GROSS/CHRIS MCLOOTA	BVILLE
	Tuesday	TRIP TO PA/ PRELIMINARY MTG	B GROSS/CHRIS MCLOOTA	PITTSBURGH
	Wednesday	IMPLEMENTATION MTG ASBURY	M COOKE	PITTSBURGH
	Thursday	BEN FAIR	M COOKE	ALBANY
	Friday	TRAINING ENROLLER/PAWLING/ROSE ACRES	LINDA VAZQUEZ/B GROSS	ROCHESTER
11/13/2006	Monday	TRAINING PAWLING	S. PELLOW	ALBANY
	Tuesday	ENROLLING FOR PAWLING	S. PELLOW	FISHKILL
	Wednesday	ENROLLING FOR PAWLING	S. PELLOW	FISHKILL
	Thursday	personal day/funeral	S. PELLOW	PITTSBURGH
	Friday	OFF/TOPS, INFRASTRUCTURE, EPISCOPAL SNR CTR,	COOKE, DAKE, NEVOLA, MCCL	BVILLE
11/20/2006	Monday	OFF/TOPS, INFRASTRUCTURE, EPISCOPAL SNR CTR,	COOKE, DAKE, NEVOLA, MCCL	BVILLE
	Tuesday	POST ENROLL/PREP/HUDSON HEAD - OFF/TOPS/INFR	PELLOW/JAKEWAY	BVILLE
	Wednesday	POST ENROLLMENT MEETING - HHWATER	SHIRLEY JAKEWAY	GLENS FALLS
	Thursday	THANKSGIVING/OFF		
	Friday	OFF/TOPS, INFRASTRUCTURE, EPISCOPAL SNR CTR,	COOKE, DAKE, NEVOLA, MCCL	BVILLE

PHYLLIS ROBERTSON 3066

CONNOR HART (SARASOTA) 941-377-0781

JENNIE REINHART (OUT 15)

580-227-3783 - FAIRVIEW FELLOWSHIP > LARA

LEBO

OCTOBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY
<p>★ CABABILITIES SUPPLIES 9/25 174338/374512</p> <p>★ FAIRVIEW FELLOWSHIP SUPPLIES 10-2/17621 376373</p> <p>★ OPPORTUNITY CTR 17476 SUPPLIES 9-25 374945</p> <p>★ McCAUS / SUPPLIES 3/27 16502 -</p>	<p>1 CALL LINDA HART</p> <p>✓ CTR 4 DISABLED PREP MTG</p> <p>✓ HEALTH FAIR KEYMARK • KE MARK / MRS</p> <p>1:00 PM / 1:00 PM</p>	<p>2 8:30/9:00</p> <p>✓ CTR - KICK-OFF</p> <p>• NANCY ESTABROOK HEALTH FAIR</p> <p>✓ MEET BRENDA & MANAGERS</p>	<p>CALL PHYLIS ROBERTSON</p> <p>3 • CALL WENDY STACE</p> <p>9-4 EXEC CLASS</p> <p>• CALL L. MARLIN</p> <p>• CALL SHELLPOINT</p> <p>• NICKIE FALLS</p> <p>✓ MAIL CHARLIE</p> <p>✓ VERIFICATION</p>
<p>7 F&F 518-853-8009</p> <p>• FLY PITTSBURGH</p> <p>Call Appelacion</p> <p>Happy Benfit</p>	<p>8 ^{8k} Columbus Day (Observed) Thanksgiving Day (Canada)</p> <p>CALL RICK BAUBERS</p> <p>Verland Meeting</p> <p>? TIME</p> <p>• CHIL JEANIE @ FAIRVIEW (REINHART)</p> <p>• DOREEN HART - 156</p>	<p>9 John Knox Verland Outside Fa Doreen Hart 2:30</p>	<p>10 • CALL APPALACHIAN</p> <p>✓ BRISA / DICK / 2PM</p> <p>• 930 - MIAMI JENNA</p> <p>• IS BRENDA</p> <p>✓ VERIFICATION</p>
<p>14 USAIR FLIGHT ALBANY N822L9 7:10 AM AVIS</p> <p>LQ-HVNX2=</p>	<p>15 KASSON + KELLER SHARON ? 1:00 VERLAND-KC ? ? Chris Ray - Samples</p> <p>Chala - ? Circus 150 FAIRVIEW FELLOW 82</p>	<p>16 • CALL ALBANY KEYMARK VERLAND WINTER ? 2 WKS</p>	<p>17 COURT ?</p> <p>✓ 10:30 Mgrs CTR Mtg, 50 EE</p> <p>• MIKE VERLAND 5 WKS 400 PM</p> <p>Rent Car's</p> <p>✓ VERIFICATION</p>
<p>21 FLY SYR. 6AM UNITED VT FLORIDA N98CRP AAHSA AVIS</p> <p>06018247</p> <p>LQ-XZNTS CFH</p>	<p>22 KEY/10:30 LINDA Mtg ? Chris</p> <p>✓ ? Buntroy</p> <p>Buntroy - 200. Tressa TRANS/LINDA 200 Process - Chris Ray OPPORTUNITY 10:30 TULSA 3000 (SD)</p>	<p>23 FLIGHT PGH</p> <p>9AM Patty - Tulsa Schd.</p> <p>10 AM - [2 Run Trans 9:10-10:30]</p> <p>1 PM / 10:30 Empire / Linda / 23</p>	<p>24 APPELACION - CMBP United Nations Day LINDA / KEY / 10:30 • CALL J. KNOX</p> <p>? Up / Call / 10:30</p> <p>✓ VERIFICATION</p>
<p>28 Daylight Saving Time Ends (Clocks Back)</p> <p>TULSA LEQUINTA X 3NTS</p> <p>587471403</p> <p>06018248 →</p> <p>LQ-3NTS CFH</p>	<p>29 ST HARG / 10AM MANAGING 10:00 AM</p> <p>CALL DEBBIE</p> <p>R/V Development</p> <p>PATTY LAWMASTER TULSA - 2 BEN STE</p>	<p>30 FLY NYCRK / PGH RENT CAR CENTER</p> <p>✓ BOB CAMP - 5TH CENTRAL</p> <p>WEXCO</p>	<p>31 Halloween HOTEL</p> <p>LINDA / 10-2 ST MARCARET</p> <p>BAD POLING</p> <p>• VILLAGE CARE / PAULA WALKES 10AM</p> <p>• 12:30 BRUNN / VERIFICATION</p>

• WENDY-ASSIT - JESSIE MONTOLLA RIVERA (MONTOLLA MONTOLLA RIVERA)

2 3:30 CHRISTIAN WENDY MENEDEZ HEAT

2007

THURSDAY OCT 16	FRIDAY	SATURDAY
<p>4XING ACTING SILENT ALLOCATION</p> <p>IMPLEMENTATION ELMIRA/PACIELLO</p> <p>708E 9AM</p> <p>Time for... Mentoring</p> <p>RCN MFT</p>	<p>5 RCN CALL</p> <p>9AM-CALL</p>	<p>6</p>
<p>11 RICK HATCHER NOT AVAILABLE</p> <p>10-AM ALDERSGATE</p> <p>CALL LARRY/LEBOLD</p> <p>F-F / BRENDA</p> <p>1PM</p> <p>CALL APPALACHIAN</p> <p>✓ RCN RPT</p>	<p>12 RCN CALL</p> <p>ORDER SUPP/RSC</p> <p>CALL SNEEL POINT</p> <p>F-F / BRENDA / PI</p>	<p>13</p>
<p>18 20 RICK HATCHER NOT AVAILABLE</p> <p>LINDA V / 10:30</p> <p>✓ RCN RPT</p> <p>STAFF/NEC</p>	<p>19 RCN CALL</p> <p>Return Maitre</p> <p>LINDA - OFF</p> <p>LO-Y2 ?</p>	<p>20</p>
<p>25 KEY/1030/LINDA</p> <p>CALL DEBBIE</p> <p>KAIL DEVEL</p> <p>2:30 Mass Meeting</p> <p>Bradley Damm</p> <p>2181 HAZI (24)</p> <p>RCN MFT</p>	<p>26 RCN CALL</p> <p>JAURA BRALLE @</p> <p>STR-Resident</p> <p>EMPIRE/LINDA</p> <p>✓ F-F ? CALL</p> <p>HINECKMINK</p> <p>Empire/Linda</p>	<p>27</p>
<p>VERLAND</p> <p>VICTOR WINKLER</p> <p>MICHAEL CABOT</p> <p>KIANNNA JONAS</p> <p>KEYMARK</p> <p>LINDA V.</p> <p>BRENDA V.</p>	<p>MOCALLS</p> <p>JESSE FORESTER</p> <p>CHRISTINE DEAN</p> <p>OPPORTUNITY CTR</p> <p>ANN PATTERSON</p>	<p>CENTRAL STATE COMMUNITY CTR</p> <p>FAIRVIEW FELLOWSHIP</p> <p>CHRISTINE DEAN</p>

SEPTEMBER 2007

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

NOVEMBER 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MEMO

9/24 D.SPICUZZA -
ORDERED COMP/3806

•LIZ- VISIT.

PHONE/FAX

-Monter Spicuzza

-D. Simonds

-P. Hudson

E-MAIL

POSTERS/PUPPYS
+ USELECT

SUPPLIES

? OMBP = Karen

ALDERSGATE/
KATHLENE
NENDRICK

NOVEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY
<p>TENN-ENROLLERS SHARON McCLENDON BOB COLE</p>	<p>NC-ENROLLERS MIKE SMITH JEFF OWENS</p>	<p>McCALLS JESSE OWENS</p>	
<p>4 FLY TENN. SYR LSNR</p> <p>L4-093518207</p>	<p>5 CLARK COUNTY 2800 SFC ADALACIAN KO JOHNSON CITY, TENN ANN PATTERSON LA-TYRON ST/016720788 USUE NC → McCALLS</p>	<p>6 Election Day ANDERSON -MCR MTC 45 10 AM Min "22" MGLS - CORP/SLOTTED 1:30 / 4:30</p>	<p>7 DELTA-EUFLD/ ENERGY STREET/SLOTTED *NIAGARA BEHAB STEVE CRUZOK FLY FLORIDA VERIFICATION</p>
<p>11 Veterans Day SYR/CA Remembrance Day COT (Canada)</p>	<p>12 PRIOR, OKAHULGE McKus Kick-off</p>	<p>13 SYR HOME USAIR TPM → XSG DX2 → LQCUA - EAST</p>	<p>14 USG 10AM Miami Jewish 155/967 E - Call Jack/John SCORE VERIFICATION</p>
<p>18</p>	<p>19 10:00 CALL TERESA/VAN AN</p>	<p>20 1 PM Doo</p>	<p>21 VERIFICATION</p>
<p>25</p>	<p>26 Go to Newark Home - BRENDA NELICK - CALL N+S LINDA - CTE</p>	<p>27 Vano N 25 K59 - BRADWAY HOUSE LINDA - CTE</p>	<p>28 LINDA/AZ - BRADWAY HOUSE - BRADWAY HOUSE VERIFICATION</p>

2007

THURSDAY

FRIDAY

SATURDAY

1 Return to Syt

*CATHOLIC 10AM
CHARITIES

NONE

2 RCN CALL

LINDA - 3AM/12PM
ST. MARGARET→ PITTSBURGH?
VILLAGE/REDSONE
DAY OFF?

3

OCTOBER 2007

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

8 PUPPETS FESTIVAL

Fly Home
*Charlie Ray/El.
Tina Gellman
12PM LUNCHOPEN ENROLL - VILLAGE
FLY HOME
R. H. P. LQ -

9 RCN CALL

- Portland Maine

DAY OFF?

10

DECEMBER 2007

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

15

11:30 PAUL
CARBUTT
HOORICK9AM CALLING
RCN RET16 RCN CALL
END

17

MEMO

22 Thanksgiving

23 RCN CALL

24

PHONE/FAX

29 - LITANARY

OFFICE

ENTERPENER CLASS
E 22

OFF

30 RCN CALL

OFFICE

SEND CATHOLIC
CHARITIES INFO

E-MAIL

ENTERED

2572	0	\$ 771.60
------	---	-----------

RECEIVED
MAR 9 2007

Accounting Dept. Approval

L. Kishitani *3/2/77*

EMPLOYEE BENEFIT COMMUNICATIONS, INC. - Regional Case Manager (RCM)

Name		Social Security #	Mailing Address		
TEA AVALON		181482329	75 W GENESEE ST BALDWINVILLE, NY 13027		
To		D.I.D.	Payment Processing		
04/01/07	04/15/07	STEVE PELLOW	Direct Deposit	XXX	Mail

HOTEL					MEALS
Date	Name of Hotel	Location	Direct Bill (Y/N)	Reimbursable Cost	Per Diem Rate \$25 Daily
4/24/07	LAQUINTA	LATHAM	Y		25.00
4/29/07	FAIRFIELD INN	CORNING	N	116.59	25.00
4/30/07	LAQUINTA	PORTLAND ME	Y		25.00
				\$ 116.59	\$ 75.00

MILEAGE - Deduct first 20 miles daily if no overnight stay required					
Date	From (Location)	To (destination and/or case)	# Miles	Deduction (if appl)	Total Mileage Due
16-Apr	BVILLE	OSWEGO	160	-20	42.00
17-Apr	BVILLE	SARATOGA	375	-20	106.50
18-Apr	BVILLE	ROCHESTER	200	-20	54.00
23-Apr	BVILLE	LACKAWANA/PITTSFORD/LACKAWANA	490	-20	141.00
24-Apr	BVILLE	LATHUM	175		52.50
26-Apr	BVILLE	ROCHESTER	200	-20	54.00
27-Apr	BVILLE	N SYRACUSE X3	180	-20	48.00
29-Apr	BVILLE	CORNING	480		144.00
			2260	0	\$ 642.00

MISCELLANEOUS EXPENSES		
Date	Description of Expense / Activity	Total Due
26-Mar	PARKING/CORNING	0.75
3/29/2007	COFFEE/MTG/ENROLLER/BVACCARO	7.00
23-Apr	DINNER/MTG/ENROLLER/MMACHADO	22.04
29-Apr	DINNEN/CASE TRAINING/K&D MELROSE	73.17
28-Apr	SHIPPING ALLSTATE MANUEL TO ENROLLER/TRAINING W J.PAUL	25.50
30-Apr	PARKING/CORNING	0.50
		\$ 128.96

SUMMARY OF EXPENSES (to be completed by RCM Dept only)		
Description	G/L Account	Amount
Hotel	6842100	\$ 116.59
Meals / Per Diem	6844500	\$ 75.00
Mileage	6842330	\$ 642.00
Travel - Other	6842300	
Cell Phone	6855005	
Telephone	6855040	
Office Supplies	6860005	
	TOTAL	\$ 833.59

RCM Signature

Approver's Signature

Accounting Dept. Approval

Name TEA AVALON		Social Security # 181482329	Mailing Address 75 W GENESEE ST BALDWINVILLE, NY 13027		
Period: From 11/15/07		To 01/15/08	D.I.D. STEVE FELLOW		Payment Processing Direct Deposit XXX Mail


HOTEL					MEALS
Date	Name of Hotel	Location	Direct Bill (Y/N)	Reimbursable Cost	Per Diem Rate \$25 Daily
11/18/08	Iaquinta	Iatham	Y		25.00
11/19/08	Iaquinta	Iatham	Y		25.00
12/2/08	Iaquinta	Iatham	Y		25.00
12/10/08	WESTIN	CHICAGO	Y		25.00
1/9/08	Iaquinta	PORTLAND MAINE	Y		25.00
1/10/08	Iaquinta	PORTLAND MAINE	Y		25.00
				\$ -	\$ 150.00


MILEAGE - Deduct first 20 miles daily if no overnight stay required					
Date	From (Location)	To (destination and/or case)	# Miles	Deduction (if appl)	Total Mileage Due
11/18/2007	BVILLE	FISHKILL NY	490	-20	141.00
18-Nov	BVILLE	LATHUM NY	350		105.00
30-Nov	BVILLE	ALBANY	355	-20	100.50
12/12/	BVILLE	FISHKILL NY/LATHUM	540		182.00
5-Dec	BVILLE	FONDA	260	-20	72.00
6-Dec	BVILLE	BUFFALO	330	-20	93.00
31-Dec	BVILLE	FONDA	260	-20	72.00
			2585	0	\$ 745.50

MISCELLANEOUS EXPENSES		
Date	Description of Expense / Activity	Total Due
12/1 & 1/1/08	COMMUNICATION COST	540.00
11/19/2008	1/2 BILL FOR DINNER WVAZQUEZ. OTHER 1/2 W/TO AAHSA. LINDA WORKED CENTER/KEYMARK.	42.48
12/7/2008	POSTAGE TO AE/R/	4.60
12/10/2008	SHUTTLE CHICAGO AIRPORT/HOTEL RD TRIP	49.00
1/8 & 1/13	MISC OFF SUPP FOR TRACKING/PAPER/INK	99.11
1/10-11/30	EZPASS	112.88
10/26/2008	90/60 OPPORTUNITY CTR/ NEVER CLAIMED THIS BONUS	100.00
1/15/2008	90/60/RAIL DEVELOPMENT	100.00
		\$ 1,048.07

SUMMARY OF EXPENSES (to be completed by Acctg Dept only)		
Description	G/L Account	Amount
Hotel	6842100	\$ -
Meals / Per Diem	6844500	\$ 150.00
Mileage	6842330	\$ 745.50
Travel - Other	6842300	
Cell Phone	6855005	
Telephone	6855040	
Office Supplies	6860005	
Misc.		\$ 1,048.07
TOTAL		\$ 1,943.57

RCM Signature


Approver's Signature


Accounting Dept. Approval


EEOC Form 161 (2/08)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Tea F. Avalon
75 W. Genesee Street
Baldwinsville, NY 13027

From: Chicago District Office
500 West Madison St
Suite 2000
Chicago, IL 60661

Certified Mail 7001 0320 0005 8565 3065 CP



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

525-2008-01242

Sarronda Harris,
Investigator

(312) 886-9320

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

No Employee/Employer Relationship

- NOTICE OF SUIT RIGHTS -

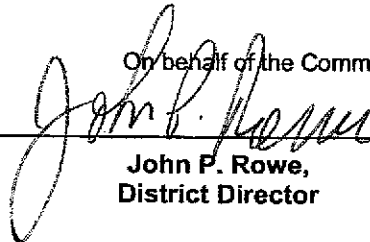
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission



John P. Rowe,
District Director

7/29/2009
(Date Mailed)

cc:

COMBINED INSURANCE CO. OF AMERICA



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Chicago District Office

FILE REVIEWS FAX: (312) 886-1168
MEDIATION: (312) 353-6676
HEARINGS FAX: (312) 886-5391

500 West Madison Street, Suite 2000
Chicago, IL 60661
PH: (312) 353-2713
TTY: (312) 353-2421
ENFORCEMENT FAX: (312) 886-1168
STATE & LOCAL FAX: (312) 353-4041
LEGAL FAX: (312) 353-8555

NOTICE OF DISCLOSURE RIGHTS

Parties to an EEOC charge are entitled to review and obtain copies of documents contained in their investigative file. Requests must be made in writing to Sylvia Bustos and mailed to the address above or faxed to (312) 886-1168.

If you are the Charging Party and a RIGHT TO SUE has been issued, you may be granted access to your file:

- * **Before filing a lawsuit, but within 90 days of your receipt of the Right to Sue, or**
- * **After your lawsuit has been filed. If more than 90 days have elapsed since your receipt of the Right to Sue, include with your request a copy of the first page of your court complaint that shows the court docket number.**

If you are the Respondent you may be granted access to the file **only after** a lawsuit has been filed. Include with your request a copy of the first page of the court complaint that includes an official court stamped docket number.

Pursuant to federal statutes, certain documents, such as those which reflect the agency's deliberative process, will not be disclosed to either party.

You must sign an Agreement of Nondisclosure before you are granted access to the file. (Statutes enforced by the EEOC prohibit the agency from making investigative information public.)

Your request for access to the file will be acted upon no later than ten (10) days following receipt of your request.

When the file becomes available for review, you will be contacted. You may review the file in our offices and/or request that a copy of the file be sent to you. Files may not be removed from the office.

Your file will be copied by Aloha Document Services, 60 East Van Buren, Suite 1502, Chicago, IL 60605, (312) 542-1300. You are responsible for the copying costs and must sign an agreement to pay these costs before the file will be sent to the copy service. Therefore, **it is recommended that you first review your file** to determine what documents, if any, you want copied. EEOC will not review your file or provide a count of the pages contained in it. If you choose not to review your file, it will be sent **in its entirety** to the copy service, **and you will be responsible for the cost.** Payment must be made directly to Aloha Document Services.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

525-2008-01242

New York State Division Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Tea F. Avalon

Home Phone (Incl. Area Code)

(315) 303-5418

Date of Birth

Street Address

City, State and ZIP Code

75 W. Genesee Street, Baldwinsville, NY 13027

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

COMBINED INSURANCE COMPANY**RECEIVED**

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(800) 225-4500

Street Address

City, State and ZIP Code

5050 North Broadway, Chicago, IL 60640**SEP 22 2008**

Name

AON CORPORATION**E.E.O.C. BUREAU**

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(312) 381-1000

Street Address

City, State and ZIP Code

200 East Randolph Street, Chicago, IL 60601

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☒ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**01-25-2008****01-25-2008**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I began employment with above named Respondent in or around August 2003. I was last classified as a Regional Case Manager (RCM). The Respondent contends that I am an independent contractor. I was not an independent contractor. The Respondent controlled where, when and how I performed the job. The Respondent furnished the tools and equipment for my job, assigned me additional projects and determined my hours of work. I had no distinct occupation or business of my own. As a result of the wrongful classification, I have been subjected to disparate terms and conditions of employment with respect to hours of work, holiday pay, overtime pay, vacation pay, workers' compensation benefits, mileage pay, unemployment benefits, social security, Medicare benefits, medical insurance benefits and other unfavorable working conditions, than if I had been a regular employee. I was paid via a 1099, and even my reimbursements were classified as earned income, which adversely affected my tax situation.

On January 25, 2008, I was terminated. The Respondent's stated reason for terminating me made no sense and was pretext. I was not given the 30-day notice my contract stipulated. In fact, in December 2007, I was named for a promotion to a National AAHSA Account Manager position, pending approval from Sheila Precious, Vice President of Work Site Division.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for state and federal requirements
 Notary Public, State of New York
 Commission Expires February 7, 2010

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

X *Tea Avalon*
 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

Date

Charging Party Signature

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

525-2008-01242

New York State Division Of Human Rights

and EEOC

THE PARTICULARS ARE (if additional paper is needed, attach extra sheet(s)):

Precious blocked the promotion and terminated my employment. All of the aforementioned issues were under the supervision and decision-making purview of Sheila Precious.

Four other similarly situated RCMs, not of the Jewish religion, were similarly discharged. Currently, the Respondent has four employees in my former job classification, and three of them are Jewish or have a spouse of the Jewish religion. The fourth person is not Jewish. The Director is Jewish and the Respondent also replaced our positions with a less-qualified part-time employee, who is also Jewish. The Respondent repeatedly gave preferential treatment to Jewish employees.

I believe I was discharged because I am not Jewish, in violation of Title VII of the Civil Rights Act of 1964, as amended.

JOHN E. THOMPSON
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires February 7, 2010

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

X Tea Avalon
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

NOTICE TO CHARGING PARTY

After you filed your Charge of discrimination with EEOC, we notified the Party against whom the Charge was made. We either attempted to settle your Charge or we took certain steps to investigate the Charge, although generally the investigative efforts were not as extensive as either you or we would have preferred. The number of investigators continues to get smaller; at the same time that investigator caseloads have more than doubled recently, so that the average charge filed this year receives a total of only ten hours of investigator time.

We sincerely regret that, in the very limited amount of investigative time available, we were unable to determine whether the allegations you made establish a violation of federal law. Because of this, and because we were not able to obtain settlement terms acceptable to both parties, we are closing your Charge without making a determination.

It is important for both parties to understand that we are not finding that the Charge isn't true or valid, or that the alleged discrimination did not occur. We have simply found it necessary – solely because of our lack of resources/staff – to close our file on this matter, and refer it to you for any additional action you may wish to take. You will find, as part of this Notice, a document titled Notice of Right to Sue. Together, these documents authorize you to bring your own lawsuit, based on your Charge. If you wish to proceed further, you must file that suit within 90 days from the date you receive this Notice. You may sue on your own and, if you choose to do so, the Office of the Clerk of Court will assist you with the filing. If you are unable to afford fees for filing suit or to hire an attorney, you are also authorized to ask the court to allow you to sue without paying filing fees, and also to appoint an attorney to represent you without charge. Finally, if you wish to retain an attorney to sue on your behalf, we are enclosing information about attorney referral programs that may assist you.

Our closure of this matter is final, and cannot be appealed. Again, this action does not reflect any determination on our part that a violation of law has or has not occurred. It is instead only an indication that, because no additional time or resources are available to us, EEOC will take no further actions on your Charge.

Point that I wrote on a separate note and read to the EEOC investigator to back up my claim that we were actually employees:

1. There was a definite employer/employee relationship there.
2. We were supervised closely and followed all the rules and regulations of the employer.
3. They provided all equipment, training, etc.
4. They told us what our hours were (it was just impossible to do the work entirely in those hours).
5. Had annual job evaluations.
6. They did not want us to work for anyone else.
7. We were paid regularly, not by the job, and completed daily reports to verify our activities.

Plaintiff's street address 75 W. GENESEE ST

City BALDWINVILLE State NY ZIP 13027

Plaintiff's telephone number 315. 247. 2448

Date: 10.27.09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Plaintiff

v. TE F. AVALON

Case Number:

Judge:

Defendant

NOTICE OF MOTION

TO: COMBINED INSURANCE CO
AON CORP

PLEASE TAKE NOTICE that on _____ at _____, or as soon thereafter as I may be heard, I shall appear before the Honorable Judge _____ or any judge sitting in his or her stead in Courtroom _____ of the U.S. District Court of the Northern District of Illinois, Eastern Division, 219 South Dearborn St., Chicago, Illinois and shall present the following motion attached hereto:

CERTIFICATE OF SERVICE

I hereby certify that on _____, I provided service to the person or persons listed above by the following means: _____

Signature: _____

Date: _____

Name (Print): _____

Address: _____

Phone: _____

The Ins and Outs of Hiring An Independent Contractor

By BILL BISCHOFF

Cost savings are on top of any business owner's mind these days. And even if business is doing so well that you need to expand staff, you may be terrified of the obligations that go along with hiring a full-time employee.

One solution: Hire an independent contractor.

Unfortunately the Internal Revenue Service has been skirmishing with taxpayers for decades about the so-called worker-classification issue.

THE TAX GUY

Here is what you need to know to avoid problems.

When a worker is classified as a "common law employee," your business generally must withhold federal income tax and the employee's half of Social Security and Medicare taxes from the worker's wages. Your business must also pay the employer's half of Social Security and Medicare taxes, pay federal unemployment tax, file federal payroll tax returns, and follow tons of IRS and Department of Labor rules. You may also get socked with state and local unemployment and worker-compensation taxes and have to comply with even more rules. Dealing with all this stuff can cost thousands of dollars a year for each employee.

To find out who is a common law employee, various statutes, regulations and court decisions come into play—and IRS and Labor Department rules can differ from state and local ones. That said, if you're allowed to treat a worker as an independent contractor under IRS rules, you'll likely be in good shape. So I'll mainly address IRS rules here.

With an independent contractor, you don't have to worry about employment-tax issues or providing expensive fringe benefits. If you pay \$600 or more to an independent contractor during the year, you must issue a Form 1099-MISC to report what you paid. That's generally the extent of your bureaucratic responsibilities.

Here's the rub: If you treat a person who is actually a common law employee as an independent contractor, your company could be assessed big bucks for unpaid taxes plus interest and penalties. You could also be on the hook for employee

benefits that should have been provided but were not.

Despite lots of rhetoric on the subject, it boils down to this: A worker is an independent contractor if you have little to no control over the way that person gets the job done. If you insist on lots of day-to-day supervision, the worker is probably a common law employee.

So if you just tell the worker what you want accomplished and by when and then stand back, you have an independent contractor relationship, right? Well, it's not quite that simple. The worker could still be a common law employee if he or she works full time for you, has no other significant clients, is required to make extensive daily progress reports, and gets paid by the hour (or day or week or month) rather than by the job.

Although it certainly helps your independent-contractor argument if the work is performed away from your premises, that is not a cure-all.

Finally, if you are treating or have treated another worker in essentially the same circumstances as an employee, you've shot yourself in the foot.

As for more-specific advice, use a written contract for any worker you want classified as an independent contractor. Taking this step will help resolve ambiguous situations in your favor. The contract should refer to the worker as a contractor and refer to payments as contract payments (not wages). It should not prevent the worker from taking on other projects, and it should not require full-time work for you or working every day on your premises. Payment should be due on completion of the project or at designated progress points. The contract term should be limited rather than open-ended, and it should say you won't pay for expenses except in specified instances.

If you follow these guidelines, you should be in the clear. However, it never hurts to hear the other side of the story. Go to the IRS's Web site and print and fill out Form SS-8 if you want the IRS to tell you how to classify a worker. While on the IRS site, plug "worker classification" into the search engine. Read what you find while sprinkling it liberally with salt and keeping these tips in mind.